

Decision **PROPOSED DECISION OF ALJ GAMSON** (Mailed 5/26/2015)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Integrate and Refine Procurement Policies and Consider Long-Term Procurement Plans.

Rulemaking 12-03-014 Filed March 22, 2012
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**DECISION GRANTING COMPENSATION TO ALLIANCE FOR NUCLEAR
RESPONSIBILITY FOR SUBSTANTIAL CONTRIBUTION TO DECISION 13-02-015**

Intervenor: Alliance for Nuclear Responsibility	For contribution to Decision (D.) 13-02-015
Claimed: \$145,276.62	Awarded: \$94,405.56 (~35.02% reduction)
Assigned Commissioner: Michel Peter Florio	Assigned ALJ: David M. Gamson

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision directs SCE to procure 1400 - 1800 MW in West Los Angeles sub-area and 215 - 290 MW in Moorpark sub-area to meet LCR needs by 2021, plus 1,000 MW adjustment for Loading Order resources.
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util.
Code §§ 1801-1812:**

	Intervenor	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference (PHC):	04/18/12 and 07/09/12	Yes.
2. Other specified date for NOI:	At 07/09/13; PHC, the ALJ granted A4NR's Motion to Late File NOI.	Agreed.
3. Date NOI filed:	07/02/12	Yes.

4. Was the NOI timely filed?		Yes, A4NR's late-filed NOI is considered to be timely.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:		
6. Date of ALJ ruling:		
7. Based on another CPUC determination (specify):	D.13-03-023	Agreed.
8. Has the Intervenor demonstrated customer or customer-related status?		Yes.
Showing of "significant financial hardship" (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A.12-11-009	Agreed.
10. Date of ALJ ruling:	03/29/13	Agreed.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.13-02-015	Yes.
14. Date of issuance of Final Order or Decision:	02/13/13	Yes
15. File date of compensation request:	04/10/13	04/11/2013
16. Was the request for compensation timely?		Yes.

PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Intervenor except where indicated)

A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. Emphasizing LCR gap created by SONGS, A4NR urges procurement of ISO Trajectory Scenario (with Loading Order applied) of 2,370 - 3,741 MW for West LA Basin. Only ISO, AES and the three utilities support this level of procurement.	Opening Brief (9/23/12) at 9, 19. Commission adopts West LA range of 1,400 - 1,800 MW, plus 800 MW efficiency/CHP and 200 MW demand response adjustments, for total of 2,400 - 2,800 MW.	Yes, but see Part III.B.

	OP 1, COL 6 and 7, FOF 29 and 31.	
2. A4NR premises its aggressive procurement recommendations on requirement that Loading Order be strictly enforced, and is confident that it can be.	Opening Brief at 9, Reply Brief at 3, PD Comments (1/13/13) at 1. Commission makes Loading Order the cornerstone of its LCR procurement. OP 1, 4g, 5, 6, 11b, 11e, COL 2, 4, 8 and 15.	Yes, <i>but see</i> Part III.B.
3. Based on SONGS linkage, A4NR is only party to endorse ISO recommendation for Moorpark sub-area, which even SCE declines to do.	Opening Brief at 4, 20, 22, Reply Brief (10/12/12) at 4. Commission orders 215 - 290 MW procurement for Moorpark sub-area contemporaneous with West LA. OP 2, COL 11, FOF 41 and 42.	Yes.
4. A4NR emphasizes importance of diligent CPUC oversight to assure SCE compliance with Commission LCR priorities.	Opening Brief at 1, 10, 12. Commission directs close Energy Division scrutiny & approval of SCE Procurement Plan. OP 5, 6, 7, 8, 11, COL 12, 13.	Yes, <i>but see</i> Part III.B.
5. A4NR argues that SWRCB's OTC policy should be considered legally binding, with compliance schedule left intact for LCR planning purposes.	Opening Brief at 14 - 15. Commission agrees. COL 20, FOF 10.	Yes, <i>but see</i> Part III.B.
6. A4NR recommends inclusion of cost- of-service contracts as part of SCE's procurement authority.	Opening Brief at 24. Commission agrees. OP 9, COL 16, 17.	Yes, <i>but see</i> Part III.B.
7. A4NR acknowledges unprecedented nature and difficulty of trying to apply 10- year planning horizon on LCR procurement	Opening Brief at 1 - 2. Commission agrees. FOF 6.	Yes, <i>but see</i> Part III.B.
8. A4NR identifies greater urgency to magnitude and timing of LCR procurement than any other party	Opening Brief at 1, 4, 6, 7, 27, Reply Brief at 1-2, 5.	Yes, <i>but see</i> Part III.B.

except ISO, and possibly SCE.	Commission orders SCE to file plan promptly, allows acceleration of gas-fired portion. OP 5, 8, 11, COL19, FOF 25, 27.	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor's Assertion	CPUC Discussion
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding? ¹	Yes.	Verified.
b. Were there other parties to the proceeding with positions similar to yours?	Yes.	Verified.
c. If so, provide name of other parties: The ISO, though significantly less concerned about adherence to Loading Order priorities, had a similar position regarding the magnitude of LCR need and the heightened urgency of LCR procurement caused by uncertainty about SONGS availability. SCE grudgingly agreed with the ISO's Trajectory Scenario for need in the LA Basin, but with a relaxed timeline for follow-up and strong resistance to being directed what to do.		Agreed.
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: A4NR's positions regarding both magnitude of LCR need and urgency Of LCR procurement significantly diverged from DRA, TURN, and the environmental parties, each of which tended to question the advisability of authorizing significant procurement. A4NR regularly conversed with these parties about a shared commitment to Loading Order priorities, but did not agree with their belief that major LTPP authorization was antithetical to Loading Order success. A4NR was drawn to the significance of the LTPP process in late 2011, noting the reiteration in the CEC's pending IEPR that it, the ISO and the CPUC should collaborate to expand LTPP to provide a Plan B to address potential long-term unavailability of California's nuclear plants. A4NR made a concerted effort to reinforce this priority throughout the proceeding, including		Verified.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>participation as a panelist in the CEC's Los Angeles Workshop on Southern California reliability concerns (CPUC Commissioners Florio and Sandoval, ISO CEO Steve Berberich, and CEC Commissioners Peterman and Weisenmiller at the dais) as well as making several presentations to the ISO Board.</p> <p>Despite embracing the ISO Trajectory Scenario, A4NR pointed out significant weaknesses in the ISO analysis (e.g., poorly supported optimism about a load transfer between distribution substations which ISO credited with a 2 - 3,000 MW impact on need). Similarly, A4NR advocated a rigorous CPUC enforcement role in the LTPP order in sharp contrast to the passive authorization sought by SCE. A4NR's contributions supplemented the views of these somewhat aligned parties rather than simply echo them.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

<p>a. Intervenor's claim of cost reasonableness:</p> <p>A4NR's participation assisted the Commission in ordering SCE to initiate the largest Southern California procurement in the history of the LTPP, and enabled it to do so with greater fidelity to Loading Order priorities than ever previously attempted. Failure to adequately replace LCR assets is a tangible risk - the Legislative Analyst determined that SONGS unavailability could prompt rolling blackouts and economic losses in the tens of billions of dollars annually (A4NR Opening Brief, at 2). Similar results would logically flow from unaddressed OTC retirements. The Commission's firm step toward mitigating this risk, while aggressively applying Loading Order policies that many parties believed incompatible with any LCR procurement, creates benefits greatly in excess of the cost of A4NR's participation.</p>	<p>CPUC Discussion</p> <p>Verified.</p>
<p>b. Reasonableness of hours claimed:</p> <p>A4NR relied on ISO and SCE witnesses rather than sponsor its own, confident that its briefing and highly focused cross examination would present a Loading-Order-centric case for aggressive LCR procurement more compelling to the Commission than the ISO/SCE efforts alone. Its unique perspective avoided duplication of others' work and centered on the pivotal issues in the proceeding without sacrificing depth of coverage. It brought a high productivity discipline to each hour expended.</p>	<p>Verified. Please note that we disallow numerous hours spent in meetings and workshops with the California Energy Commission (CEC) and the California Independent System Operator. While A4NR may have considered these important meetings, they were not all relevant to substantial contributions to D.13-02-15.</p>

	<p><i>See</i> D.14-10-022. The Commission removed the claimed hours of Becker and Weisman at the Jun 22, 2012 CEC workshop. These hours were duplicative of Geesman's participation and, additionally, excessive.</p> <p>In addition, A4NR's contributions to the proceeding were minor. A4NR primarily cites to its own opening brief, with only one citation to another submission (its reply brief). When citing to the Decision, A4NR notes the Decision's ordering paragraphs, findings of facts, and conclusions of law that roughly agree with its presentations. There is no indication that A4NR's efforts led to the outcomes cited.</p> <p>On the contrary, most of the recommendations of A4NR would have been adopted by the Commission regardless of its participation in this proceeding.</p> <p>Due to the lack of significant contribution to the Decision, the Commission will reduce A4NR's award of compensation by 25%, after all other reductions are made. Such general reduction is required since</p>
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	A4NR's allocation of hours by issue does not directly correspond to its claim of substantial contribution, therefore making specific hourly reductions impossible.
c. Allocation of hours by issue: 1) Whether additional capacity is required to meet local reliability needs in the Los Angeles Basin and Big Creek/ Ventura area between 2014 and 2021, and, if so, how much: 38.0% 4) What assumptions concerning retirements of OTC plants should be made for the purpose of determining future local reliability needs: 6.6% 5) Whether the ISO's local capacity requirements and OTC studies should be adopted by the Commission as the basis for procurement of additional local capacity, and, if not, what should form the basis of a Commission decision: 25.2% 6) How resources aside from conventional generation, such as uncommitted energy efficiency, demand response, energy storage and distributed generation resources should be considered in determining future local reliability needs: 26.0% General 4.1%	Verified.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
John Geesman	2011	1.25	\$535	Res. ALJ-267	\$668.75	00.00	\$535.00 <i>See</i> D.13-12-024	\$00.00
John Geesman	2012	214.66	\$545	Res. ALJ-281	\$116,989.70	170.89	\$545.00 <i>See</i> D.13-12-024	\$93,135.05
John Geesman	2013	33.58	\$535 \$545 \$545	Res. ALJ-281	\$18,301.10	33.58	\$555.00 [1]	\$18,639.90
Rochelle	2012	15.35	\$135	D.13-03-023	\$2,085.75	0.75	\$130.00	\$97.50

Becker				& ALJ – 281			See D.13-12-024	
David Wesiman	2012	8.25	\$80	D.13-02-023 & ALJ – 281	660.00	0.75	\$80.00 See D.13-12-024	\$60.00
Subtotal: \$138,705.30						Subtotal: \$111,932.45		
25% Reduction: \$22,386.49								
Subtotal: \$89,545.96								
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
John Geesman	2012	6.00	\$272.50	Travel @ 50%	\$1,635.00	6.00	\$272.50	\$1,635.00
Rochelle Becker	2012	10.00	\$67.50	Travel @ 50%	\$675.00	00.00	\$65.00	\$00.00
David Weisman	2012	8.00	\$40.00	Travel @ 50%	\$320.00	00.00	\$40.00	\$00.00
Subtotal: \$2,630.00						Subtotal: \$1,635.00		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
John Geesman	2013	11.00	\$272.50	Claim Prep. @ 50%	\$2,997.50	11.00	\$277.50	\$3052.50
David Weisman	2013	1.25	\$42.50	Claim Prep. @ 50%	\$53.13	1.25	\$40.00 [2]	\$50.00
Subtotal: \$3,050.63						Subtotal: \$3,102.50		
COSTS								
#	Item	Detail			Amount	Amount		
	Airfare				\$384.70	\$122.10		
	Hotels	(includes 1/3 of 6-21-12 thru 6-24-12 stay)			\$252.77	\$00.00		
	Personal vehicle	IRS mileage rate of 55.5 cents per mile (Morro Bay – Los Angeles roundtrip)			\$223.22	\$00.00		
	Airport shuttle				\$30.00	\$00.00		
Subtotal:					\$890.69	Subtotal: \$122.10		
TOTAL REQUEST: \$145,276.62						TOTAL AWARD: \$94,405.56		
**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for								

intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.

****Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate**

ATTORNEY INFORMATION

Attorney	Date Admitted to CA BAR ²	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation.
John Geesman	06/28/1977	74448	No. From July 21, 1980 until February 4, 1981 Geesman was not eligible to practice law.

C. Intervenor's Comments on Part III:

Attachment or Comment #	Description/Comment
1	<p>Justification of ALJ-267 and ALJ-281 Rates for John Geesman- Attorney for the Alliance for Nuclear Responsibility</p> <p>John Geesman is an experienced practitioner in California energy matters, having been a member of the California State Bar for 35 years and first appearing in CPUC proceedings on solar energy, energy efficiency, and LNG in 1977 and 1978 on behalf of the California Citizen Action Group. He is a graduate of Yale College and the UC Berkeley School of Law.</p> <p>He served in state government during two distinct periods: as Executive Director of the California Energy Commission from 1979 to 1983; and later as the attorney member of the California Energy Commission from 2002 to 2008. During this latter assignment, Mr. Geesman presided over the CEC's Facilities Siting Committee, its Electricity Committee, and its Renewables Committee. He also served as Chair of the Board of Governors of the California Power Exchange from 1998 to 2002, and briefly on the Board of the California ISO in 2002.</p> <p>Mr. Geesman chaired the California Managed Risk Medical Insurance Board from 1999 to 2002, overseeing the expansion of the State Children's Health Insurance Program from 50,000 to 632,000 enrollees.</p> <p>From 1983 to 2002, Mr. Geesman was an investment banker and, among other assignments, served as a financial advisor or bond underwriter for various construction financings by all of the state's largest municipal electric utilities and joint powers authorities. His firm was retained as a special adviser to the San Diego</p>

² This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

	<p>County Water Authority for evaluation of the attempted takeover of SDG&E by SCE. He was a member of the TURN Board of Directors for most of the 1990s, including six years as its President.</p> <p>He was the Co-Chair of the Board of Directors of the American Council on Renewable Energy (ACORE) from 2006 to 2011, a position which involved considerable international and national speaking engagements as an explainer of California's energy policies.</p> <p>Mr. Geesman's past experience qualifies him for the upper step of the \$300-535 range established by ALJ-267 for attorneys with 13+ years' experience for work performed in 2011, as well as the \$305-545 range established by ALJ-281 for work performed in 2012 and 2013.</p>
2	<p>Justification of ALJ-281 Rates for Rochelle Becker - Executive Director, Alliance for Nuclear Responsibility</p> <p>D.13-03-023, issued March 26, 2013, adopted a \$125 hourly rate for Rochelle Becker for work performed in 2010 and 2011. Pursuant to ALJ-281 Ordering Paragraphs 1 and 2, she respectfully seeks the 2.2% COLA authorized for work performed in 2012 as well as her first 5% step increase. Calculated as specified in D.08-04-010, her hourly rate for work performed in 2012 should be \$135.</p>
3	<p>Justification of ALJ-281 Rates for David Weisman - Outreach Director, Alliance for Nuclear Responsibility</p> <p>D.13-03-023, issued March 26, 2013, adopted a \$75 hourly rate for David Weisman for work performed in 2010 and 2011. Pursuant to ALJ-281 Ordering Paragraphs 1 and 2, he respectfully seeks the 2.2% COLA authorized for work performed in 2012 as well as his first 5% step increase. Calculated as specified in D.08-04-010, his hourly rate for work performed in 2012 should be \$80. Applying his second 5% step increase, but no COLA, his hourly rate for work performed in 2013 should be \$85.</p>

D. CPUC Disallowances and Adjustments:

Item	Reason
[1]	Resolution ALJ-287 approved a 2% cost-of-living adjustment for work performed in 2013. After applying to Geesman's 2012 rate, and rounding to the nearest five dollar increment, Geesman's 2013 rate is set at \$555.
[2]	Resolution ALJ-287 approved a 2% cost-of-living adjustment for work performed in 2013. After applying to Weisman's 2012 rate, and rounding to the nearest five dollar increment, Weisman's 2013 rate remains set at \$80.
Disallowance for hours not pertinent to contribution to D.13-02-	A4NR claimed numerous hours related to attending and presenting at meetings and workshops for at the California Energy Commission and CAISO. Some of these hours are not pertinent to A4NR's contribution to this decision and they, along with the associated travel expenses, are not compensable by the Commission.

015	In addition, numerous hours were claimed for worked performed prior to A4NR joining this proceeding. While in some instances such hours may be entitled to compensation by the Commission, here such hours are not eligible for compensation as they did not contribute to the proceeding.
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PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))**

A. Opposition: Did any party oppose the Claim?	No.
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B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?	No.
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If not:

Party	Comment	CPUC Discussion
	No comments were filed.	

FINDINGS OF FACT

1. Alliance for Nuclear Responsibility has made a substantial contribution to Decision 13-02-015.
2. The requested hourly rates for Alliance for Nuclear Responsibility's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$94,405.56..

CONCLUSIONS OF LAW

1. Alliance for Nuclear Responsibility has made a substantial contribution to Decision 13-02-015.
2. The requested hourly rates for Alliance for Nuclear Responsibility's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.

3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$94,405.56.

ORDER

1. Alliance for Nuclear Responsibility is awarded \$94,405.56.
2. Pacific Gas and Electric Company, San Diego Gas & Electric, and Southern California Edison Company shall pay Alliance for Nuclear Responsibility their respective shares of the award, based on their California-jurisdictional electric revenues for the 2012 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 25th, 2013, the 75th day after the filing of Claimant's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX
Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D13-02-015		
Proceeding(s):	R12-03-14		
Author:	ALJ Gamson		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric, and Southern California Edison Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Alliance for Nuclear Responsibility	04/10/2013	\$145,276.62	\$94,405.56	No.	<i>See Part III.D of this decision.</i>

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
John	Geesman	Attorney	Alliance for Nuclear Responsibility	\$535.00	2011	\$535.00
John	Geesman	Attorney	Alliance for Nuclear Responsibility	\$545.00	2012	\$545.00
John	Geesman	Attorney	Alliance for Nuclear Responsibility	\$545.00	2013	\$555.00
Roche lle	Becker	Advocate	Alliance for Nuclear Responsibility	\$135.00	2012	\$130.00
David	Weisman	Advocate	Alliance for Nuclear Responsibility	\$80.00	2012	\$80.00
David	Weisman	Advocate	Alliance for Nuclear Responsibility	\$85.00	2013	\$80.00

(END OF APPENDIX)